rived here yesterday, bringing us our usual files and cor-

respondence from Central America and the South Pacific

. 1,500 Co.... 40,000 ..500,000 Je

PANAMA CITY.

We have had in Panama a specimen of what we may

expect during the ensuing month, for the heavy rains of the season have commenced with what may be termed a moderately heavy tropical storm. The sky overhead was

thick, and of a dirty pale yellow, occasionally illumined with lightning flashes; the surcharged clouds had burst their casings and poured out on this city a perfect deluge.

that lasted for several hours. Such falls of rain are en-

The projects of the Panama Water Works and for the lighting of the city with gas, are both slowly progressing, but such is the poco-tiempo style of doing business here that it takes a very long time to make the authorities understand the value of any improvement, which they consider as innovations on their national and natural rights. "There is no herry "they will say." The party of the will say.

consucr as innovations on their national and flatural rights. "There is no hurry," they will say, "by-sand-by will do," &c. Thus is the country kept back; thousands of acres of good land left wild, although rich in verdure, and all through precrastination. Everything is put off until to-morrow, and very little is therefore done—oftlines

uprising will be the result, and that Gen. Olarte will lead the fighting mon of Panama to the defense of the city and State. We shall, however, know more on this subject when the new reler sends in his message to the Assembly. It is said that the discontented portion of the people of Chiriqui have been sent to Peru or some other of the South American Republics, but as this is mere rumor, and as there is no account of such action schowledged by the Government of the State, it may be false, although at the same time just possible to be frac.

ame time just possible to be trac.

THE CAPITAL.

The news from the National Capital of this Republic is to September I, and has arrived by way of Santa Martha and Aspinwall.

President Mosquera has given orders by decree that no more of the Government property—which, by the way, consists principally of the seizares of church lands, &c., made some time since by the Mosquera Government during his former term of office—should be sold, as he has discovered that the Government agents make more out of such transactions than the nation. As a quantity of these lands, &c., have been purchased by foreigners, &c., some trouble may yet arise as to title; and as Mosquera has declared by decree that all purchasers of real estate become citizens by virtue of such purchase, there can be no recognized appeal to the country of which such foreigners may

The 18th of September-Chili's national day-was duly

A politax of \$16 per annum has been placed on all for-eigners in Peru, by virtue of treaties of the foreign Gov-

The Peruvian iron-clad Independencia is now ready to sail to join Admiral Tucker's feet. CENTRAL AMERICA. CENTRAL AMERICA.

The steamship Salvador arrived at this port on Sunday, sept. 30, with 15 days later news from the Central Americans Republics. Her cargo for New-York consists of 11 zerous of cochineal, 14 zerous of indigo, 3 packager of specie valued at \$1,500, 25 bales of decrekins and 981 bides.

1.554

PANAMA, October 1, 1866.

The following is the specie list:

Patama Ralivosd Co. \$77,849 Ribon & Munoz.

Dukcan, Sherman & Co. 46,511 Meissner, Ackerman
Dukhay, Morgan & Co. 72,658
Eugene, Kelly & Co. 74,250
J. & W. Seligman & Co. 64,400 Lazell, Marsh & GarLee & Walter. 179,000
Wells, Fargo & Co. 139,472 Solomon, Lazarus &
D. H. Tempie. 1,500
Cc.

From Our Own Correspondent.

The news by this mail is interesting.

stated.

The coffee crop is said to promise splendidly.

The new dignitaries of the Literary Academy in the City of Guatemala were installed on Aug. 29, in the presence of the Bishop of Nicaragua and several other distinguished persons.

distinguished persons.

The improvements on the public roads are engaging the attention of the Government.

The 45th anniversary of the Independence of the Republic was celebrated with great celat on the 15th of September.

The Government of San Salvador has nominated Schor Emilio Van Branteganas as Vice-Consul of the Republic at Brussels.

at Brussels.

The coffee crop of this State promises to be excellent.

The President of Nicaragua, on Aug. 29, issued a decree imposing on the department stricter watchfulness with regard to contraband trading.

Don Fernando Guzman is now named as a candidate for the Presidency. It is said that Gen. Bouilla will withdraw.

draw.

The Government has nominated Sefior Faime Lewis
Hart as Consul-General of Nicaragua in Great Britain,
and Sefior F. Hickman as Vice-Consul.

COSTA RICA.

The scariet fever is reported as disappearing from this

country.

The President of Costa Rica has lent to the directors of the Limon road, a sum of money to be used on the road; the same to be refunded in the shape of tells, maritime duties, and certain specified church lands. This act was to come in force on Sept. 20. that lasted for several hours. Such falls of rain are entirely unknown in the North, and cannot be imagined except by those who have witnessed them. But however inconvenient these storms may be to foreigners, they are welcomed as a blessing by the natives; for during the prevalence of the rain, at the time when the heavy drops are falling at the quickest rate, they divest themselves of all their apparel, except barely enough to comply with some idea of decency, and take a natural shower bath in their back yards or open plazas. A water speut from the roof of a house is a grand luxury, as the enthusiastic native obtains therefrom a cheap and inexpensive douche bath. Should the yard be inclosed from observation or intrusion, the native daughters of Eve will emulate the example of their maternal ancestor, and take their open air shower bath in Edenic costume, omitting the fig leaf, which is not to be readily obtained. The harder it rains the better they like it, and they are looking forward with anticipatory pleasure for the next heavy storm.

The tobacco crop was expected to be extra large this season.

In consequence of the suspicions and troublesome conduct of certain foreigners the Government have passed a stringent decree with regard to strangers visiting the country.

Several valuable mines have been discovered in Honduras, and a decree has been passed regulating the right to claims, &c. The principal mine is said to be at Erandiane.

MISCELLANEOUS.

MISCELLANEOUS.

The Pacific Mail steamship Montana, which sailed on July 27, from New-York, arrived in this harbor on Sept. 25. She is to be added to the line running between this port and San Francisco, and as she is very commodicus, will form a good addition to the maritime fleet of this

company.

The Panama Railroad Company's brig Bolivia, which sailed from New-York in the early part of the month of September, arrived at Aspinwali on Monday afternoon, Sept. 24.

The West Coast steamer Favorita, from Buenaventura, arrived in this harbor late last evening. She brings no news of importance. Her cargo for New-York consists of 925 sacks of cocoa, 394 packages of India rubber, 177 bales of guina, and four zeroons of straw hats.

and all through prograssination. Everything is put on until to-morrow, and very little is therefore done—ofttimes nothing.

There have been several rumors around the city of a suppressed revolt of the military—suppressed before it had reared its head—and that the Mosquera men had refused to serve under the new Government of the State. I give this only as a rumor, for the cract facts cannot yet be ascertained. One rumor was that a portion of the military forces, with their officers, declared for Mosquera, and were put under arrest; another was that trouble was expected among the natives in the Arnabal, and troops were in fact sent the other night to that part of the outposts of this city in order to be prepared for an uprising. On the whole, I believe that there will be no local troubles; but there may yet be really something serious, if the National President persists in his proposed military occupation of this city. The State authorities keep the strictest watch, and every precaution is taken to prevent surprise.

THE STATE OF PANAMA.

This day, October I, is set apart for the inauguration of Gen. Vincente Olarte as President of the State of Panama, in the place of Jil Coluiage, who retires to take office in the capacity of Attorney-General of the State. Gen. Olarte fought under Mosquera, but is not exactly a Mosquera man—that is, he will not surrender the rights of the State to gratify the ambitious objects of the present national Executive. It is therefore almost to be expected that if the President of the Republic persists in forcing upon the State to gratify the ambitious objects of the present national Executive. It is therefore almost to be expected that if the President of the Republic persists in forcing upon the State to gratify the ambitious objects of the present national Executive. It is therefore almost to be expected that if the President of the Republic persists in forcing upon the State to gratify the embotious objects of the Present national Executive. of guina, and four zerooms of straw hats.

LATER.

October 1—Evening.

The non-arrival of the St. Louis at this hour gives me the opportunity of stating that President Olarte was duly inaugurated at 1 o clock this afternoon with imposing ceremonies. He first received the address of the President of the Assembly, to which he replied in appropriate terms. He was next escorted to the Government House and invested with the seals, &c., of office. The Consuls and other dignitaries were present at both ceremonies. After the installation salutes of artiflery and musketry were fired, and the Government band, assisted by the bugle and drum corps, welcomed the new official with military music. The much talked of revolution was not to be either seen or heard during the whole proceedings, everything passing off with proper order and decorum.

Oct. 2.—The rejoicings attending the inauguration of President Olarte were kept up last evening and through the night with great energy and spirit, and as the various bar-rooms were thrown open to the public, the champane and other wines flowed freely and without expense to the consumer. Bands of music serenaded the important citizens, and in the Arabal fandangoes were the rance, the fumtum resounding throughout the whole night, and the natives dancing vigorously in spite of the heat of the weather. Everything bespoke the existence of but one prevailing feeling—pleasure, both in and out of the city.

THE INTERMINABLE WAR-PEARPUL LOSS OF LIPE IN THE JUNGLES OF PARAGUAY-A CALL FOR MORE MEN-THE ALLIES IN A CRITICAL CON-DITION-THE TREASURIES OF BRAZIL AND BUENOS AYRES DEPLETED-A STRONG PARTY OPPOSED TO THE WAR-THE STRONG POSITION OF THE PARAGUAYANS-THE FIRST MOVEMENT OF GEN. POLIDORO—THE NEXT EFFORT BY GEN. MITRE— HE TOO RETREATS—LOSSES IN THREE DAYS, ON BOTH SIDES, 12,000—WHAT IS SAID ABOUT GEN. LOPEZ AND HIS ARMY—THE WOOL MARKET— UNITED STATES MINISTERS—NAVAL.

From Our Special Correspondent.

BUENOS AYRES, Aug. 13, 1866.

made some time since by the Mosquera Goterfment during his former term of office—should be sold, as he has discovered that the Government agents make more out of such transactions that the nation. As a quantity of these lands, &c., have been purchased by foreigners, &c., some trouble may yet arise as to title; and as Mosquera has declared by decree that all purchases, there can be no recognized appeal to the country of which such foreigners may be native, unless said country should feel inclined to resort to armed intervention in the case.

The Government of Colombia has appointed the follow lowing gentlemen to official positions in the United States:

Señor General E Salzar, to be Fiscal Agent of the Republic at Washington—there being no provision made for a regular authorized Minister.

Señor Francisco Párraga, to be Consul-General of Colombia, in the United States, with official residence at New-York.

In consequence of the expiration of the postal treating them pass through the native post office. The marshes and jungles of Paraguay are as fatal as those of India, and all country and all consequence of the expiration of the postal treating and additional postage on the wire sease of the work of the sease and sease and sease a classification of the postal treating and additional postage on the wire sease of the privileges which the Paraguay are selected to go to the seat of the work of the sease and This mail leaves Buenos Ayres under a cloud of depres

and Central America, while under the native post-office system a great delay must of necessity take place and the steamers invariably be lost. The "Royal Mails" will sometimes be delayed two weeks or more.

A decree has been issued by President Mosquera reducing the intrinsic value of the silver currency dollar of Colombia from 900 mils to 835. The decree states that the object is to make a decimal currency that shall agree in value with those of France, Italy, Belgium and Switzerland; and also to bring it on the same level with the silver coin in use throughout Great Britain and the United States. The smaller pieces are to be of the intrinsic value of .686 to the dollar for home circulation. As the new Peruvian dollar is by law fixed at .900 there will necessarily be a great demand for them for foreign trade, and must of course command a premium when the new coin of this Republic is issued.

course command a premium when the new coin of this Republic is issued.

A line of telegraph is projected across the State of Antioqua, so as to bring the interior of the Republic into closer communication with the coasts. A line has already started from Bogota to Honda, and this is to be a continuation of the same to Manizales. Another line is proposed to go to Baenaventura on the Pacific coast, to connect with the steamers which run between that place and Panama. By this means the Government will have speedy intelligence of what may be transpiring on the Isthmus, without having any direct connection that might be broken during a revolution.

battalions left. The Province of Corrientes invaded, called out the militia, and as the whole land was exposed they went unwillingly, leaving homes entirely unprotected. By battle, skirmish and picket, by disease and desertion, they are now said to be reduced to 62 men. A friend from the army writes that nine-tenths of them went to the Province of Entre Rios.

The position of the Paraguayans is strong. Humaita is their great fortress, and between the Allies and it they have their army and four lines of fortification. In their present position they have a good natural defense in the swamps and jungles, and they have occasionally a stone wall, and in one place they can set 50 men safely against 500. A recent trial of strength, most hotly contested, gave the Allies no material advance.

On the 13th of July the Brazilians took three batteries from the Paraguayans retook one of these, which commanded the other two. On this day there was a very general engagement, and so fearful was the strife that at times the Brazilians were fairly intrenched behind the dead bodies of their comrades.

It was on July 15 that Gen. Polidoro assumed command of the Brazilians, on the removal of Gen. Osorio. All he knew was that the Paraguayans were making batteries in a wood in front. Early on the 16th he sent two regiments, who, with two guns, drove them away. He then called up 15,000 men to scour the woods, and they soon came up to a deep, wide ditch, and immediately a masked battery opened on them. An effort was made to storm, but it failed, and as the host retreated they were followed by 8,000 Paraguayans, who were waiting for this turn in affairs. The Brazilians chopped in the first wood, rallied, and before sundown drove them back to their intrenchments.

On the 18th, Gen. Mitré attempted to dislodge the revolution.

PERU.

There is at present but little news of general importance to report from Peru, although much of a local significance. Society has oecome somewhat deranged from the action of a band of housebreakers, who yet seem able to delude the vigilance of justice. The viliains, however, do not stop at bare robbert, but add murder to their crimes. Only a few days before the departure of the last steamer from Callao (Sept. 22), a Mr. Dorion, of the French house of Villafane & Co., was brutally nundered in his store at about 5j in the evening. His skull was smashed in with a hatchet or hammer; his throat was cut, and several stabs were found on his body. The safe was cleared of its contents, and the rascals escaped. In this matter, which is the second within two weeks, the authorities seem to be very remiss.

ments.
On the 18th, Gen. Mitré attempted to dislodge the On the 18th, Gen. Mitré attempted to dislodge the Paraguayans in the wood in front, and he dashed down in force, sweeping everything before him until they came to a lane, between two marshos, 12 yards in width, and here they were enfilleded. An effort to send out a flanking force failed, and the Paraguayan reserves arose and fell upon the retreating Argentines. The Argentines did as the Brazilians had done the day before, and rallied in the wood, when 15,000 men came upon them, and the Argentines held their ground till their flank was reached by the enemy's cavalry, and they retreated.

In these three days fighting it is believed that the loss on each side was about equal, and in killed and wounded

the second within two weeks, the authorities seem to be very remiss.

A very strong opposition has arisen in Peru against Col Prado, the present dictator, and some citizens have requested Col. Balta to run against him for the Presidency. The latter is said to be a very popular man, and may win the honorable position.

There has been a very base attempt made to murder the gumner of the United States steamer Dacotah off Callao, by drowning him in the harbor on the night of Sept. 20, but fortunately the boats of the Resquardo arrived in time to save the victim. celebrated with celat at Callao and Lama, in accordance with the decree of the Supreme Chief, Col. Prado, making it a Peruvian heliday.

The United States steamer Lancaster, under the command of Commodore Ridgeley, sailed for Norfolk, Va., on the 21st inst. Capt. Davenport, formerly in command, has been transferred to the Powhatan.

A voll-tax of \$16 per annum has been placed on all for-

enemy's cavalty, and they retreated.

In these three days' fighting it is believed that the loss on each side was about equal, and in killed and wounded it is said each side must have lost 6,000 men.

The army of President Lopez, though it has lost so many thousands of men, is still formidable. He is said to be receiving recruits from various quarters of the plucky little Republic, and the spirit of the people is far from being subdued. A deserter to the Allies says that Lopez has three encampments, one part holding the Allies in check, one at Humaita, and one at Villa Pilar.

At Cerro Leon he has a general retreat for sick and wounded men, and 4,000 women serve in this hospital, and many of them are of the beat families of Paraguay. Before the war he had 700 young men at the hospitals learning their duty under English and other foreign physicians. He had 75 Paraguayan youths in France studying engineering and various professions tending to make the army and navy independent of foreigners.

Peuro Alegro, the long-coming-Brazilian General with his 10,000 troops and 12,500 horses, has at length arrived, and his command is incorporated with the Allied army.

In the battle of the 18th, Col. Palleja of Urnguay fell at the head of his troops. He was one of the finest officers in the service, a fine schoiar and a good man. We owemore to his faithful men than to any other for the details of every-day life in the Allied camp. He was taken to Montevidee and buried in great pomp. More than 10,000 people assembled, overwheimed by a sincere and general sorrow.

My view of the war and the state of things is not a bright

probable increase of the tariff at Washington has sus-pended all sales of wool at this place.

The new Minister here, Major-Gen. Asboth, and Mr. Strothers, the new Consul, have not yet arrived here, though their appointment has been known here for some time.

time.

The Shamokin United States war steamer of eight guns has been in this harbor for some weeks. She is preparing to go up the river to carry Mr. Washburne, United States Minister to Paraguay. He has been here nearly a year, waiting to get through the lines.

Brazil is about to send here three more iron-clads.

CIVIL COURTS.

CIVIL COURTS.

U. S. DISTRICT COURT.—Oct. 11.—Before Judge Betts.

FINAL DISPOSITION OF A PRIZE.

The United States agt. The Schooner Mary Ciniton, her tackle, cargo, &c.

The schooner Mary Ciniton and her cargo, which were captured in May, 1861, in Hampton Roads, being one of the first prizes taken during the war, was finally disposed of today by Judge Betts. The following is the decree:

A final decree of condemnation of the above vessel and cargo having been rendered herein by the court, and a final decree of distribution rendered herein by the court as to the vessel and a part of the cargo, and an appeal having been taken from said decree of condemnation, as to the rest of the cargo aforesaid, and the decree of condemnation as to said remaining portion of the cargo, having been affirmed by the Supreme Court of the United States, and it appearing by the records and fies of this court, that the gross amount of the proceeds of the payment into this court by the stipulations on said appeal of the value of said portion of the days, amount to the sum of \$17,029; and it further appearing that the aggregate sum of the costs and disbursements herein, as by the adjustment of the same, pursuant to the provisions of the act of June 30, 1804, on file in the office of the Clerk, is \$119.07; and that the net amount for distribution, on the basis of the said adjustment, is therefore the sum of \$16,909.93; it is now ordered and decreed, on the motion of the District Attorney, that the Prize Commissioners have, in pursuance of the act of June 35, 1804, reported to the Court the requisite evidence, showing what public ship is entitled to share in the said prize, and whether the said prize was of superior, equal, or inferior force to the vessel making the capture, and that the Powhatan, a public vessel of the United States, is alone entitled to share in the said prize.

tice BARBOUR.

IMPORTANT QUESTIONS AS TO THE RIGHT OF A COMMISSION

SUPERIOR COURT—Special. Term—OCT. 10.—Before Justice Barrotz.

Important Questions as to the Right of a commission Merchant to Delicate His Authoraty.

Constantin Rosswag agt. James W. Seymour.

This action was brought to recover \$12,000. the value of certain jewelry consigned by the plaintif to the defendant in New-Orieans in 1860, to sell on commission, and which, it is now alleged defendant converted to his own use, defrauding the plaintiff. An order of arrest was granted by Judge Robertson in August last, and the defendant, who was here on a visit from New-Orieans, was arrested and held to bail in \$5,000. The case now comes before the Court on a motion made by him to discharge the order of arrest and exonerate the bail.

The defendant read certain allidavits, in which he admitted the value of the goods, and that they were consigned to him for sale in 1860; but says that he sold \$1,000 worth of such goods for Confederate money, in 1861, which Confederate money he has in his possession and is ready to pay over; that the balance of such goods he gave to a Mr. Church to take to Mexico and sell, and that said Church went to Mexico in December, 1860, but the defendant never saw him again until May, 1866, when Church came back to New-Orleans and told him that he had been wayhaid in Mexico, near Vera Cruz, and robbed of all the goods, and had been since sick. Other affidavits were produced on behalf of defendant, stating that Church had always borne a good character, and that the fact of his leaving New-Orleans with goods to sell, and his long abseace, and his return, with the statement of his being robbed, were well known in New-Orleans. The defendant also swears that he did not believe Church's story about the robbery, and was going to have him arrested had not his counsel told him the burden of proof as to Church not having taken them to Mexico.

The plaintiff contended that the defendant had no authority to employ a sub-agent or to send the goods to Mexico for sale; that from 1800 to 1802 the defendant selled h

The Court said that it had no doubt the defendant was authorized to sell for Confederate money, but there was question whether he ought not to have delivered it when demanded of him in 1662 by Mr. Wallach, the plaintiff's agent; also, that there was no doubt the defendant could employ a servant in New Orleans to sell the goods; if that servant was robbed, he would be protected, but he doubted whether defendant had the right to send an agent to Mexico; that he might as well have sent him to England or to New York to sell; that the terms of employment between the plaintiff and defendant were that the goods were to be sold in New Orleans, but that in these points the decision would be reserved.

Robert R. Roosevelt connect and Joseph F. Daly attorney for plaintiff. J. L. Jernegan and J. F. Roberts for defendant.

The Bank of the Republic agt. Frederick N. Lawrence, assignee, Ac., et al.—Motion denied, with 65 cests.
Philip Gaffrey agt. George M. Chapman.—Motion granted.
Charles H. Hass agt. John J. Bylandt.—Motion granted.
With H. Brush, jr., agt. Charles E. Young.—Motion granted,
without costs.

without costs.

Meyer Finn agt. Julia Carton.—Motion to open default granted, with \$10 costs.

John T. Hendrickson agt. George W. Beers.—Motion granted, without costs.

James T. Dunlam et al. agt. James Phelan.—Motion granted. Stephen Kenney agt. Margaret Sutton.—Motion granted. Elizabeth Wiley, administratrix, &c., agt. James Fee impleaded, &c.—Motion granted on terms.

David C. Berry agt. Morris Ketchum et al.—Motion granted. Wm. H. McVicar agt. Edward B. Ketchum et al.—Motion granted.

granted.
Philo C. Calhoune, assignee, &c., agt. John Kelly, Sheriff, &c.—Motion granted.
Wm. H. McVicar agt. Augustus W. Greenleaf et al.—Motion granted.

James Devine agt. Frederick P. James et al.—Complaint dismissed with costs.

Wm. P. Carey agt. Sarah James.—Complaint disulated with

James Devine agt. Frederick P. James et al.—Complaint dis

missed with costs.

Before Justice Garvis.
Christopher Fine et al. agt. Silas Ford.—The prayer of petition denied with \$10 costs, to abide event.

Alexander Annot agt. Charles McTerry.—Motion denied without costs.

TRIAL TRUM—Before Justice JONES.

DIFFICULTY BETWEEN A CAPTAIN AND LONGSHOREMEN-

DIFFICULTY BETWEEN A CAPTAIN AND LONGSHORMEN—
EVANS AGT. HAND

This case, reported yesterday in part, was brought by a longshoreman against the captain and mate of the schooner America, for assault and battery. The story of the pisintiff was, that he went on board, to serve the captain, and was assaulted without cause. The defendant's story is somewhat different. He says that there was a difficulty with a wharf-builder, in the course of which a crowd assembled and commenced throwing stones at the vessel. That while in the very heat of the action, the plaintiff came on board, that at the same time the ropes of the schooner were cast off, and the dock-builder's pile-driver was being hauled down, so as to crush in the stem of the schooner, that the schooner's boom was then so fixed, that it would meet the uprights of the pile-driver, and keep it off, that the plaintiff went sit and attempted to pash the boom out of the very position into which the captain had brought it, cutting one of the guy-ropes for the purpose. that he spoke to him three times, politely, but the man continuing to push against him, he finally solved him by the collar, and threw him down, when the plaintiff attempted to draw his knife and got somewhat badly hurt in consequence.

Each story was supported by about the same number of equally positive witnesses, and the jury were directed to bring in a scaled vertict this morning.

Chamseey Shaffer for plaintinf; R. H. Huntley for defendants.

SUPREME COURT-SPECIAL TERM.-Before Mr. Justice Daniela.

SUPREME COURT-SPECIAL TERM.—Before Mr. Justice DANIELS.

A NICE QUESTION IN THE LAW OF REAL ESTATE. Wm. Provoost, Executor, &c., and others, art James P. Provoost Executor, &c., and others.

In 1825 Wm. T. Provoost made his will, by which he gave to his wife the use and income of all his estate during her patural life, and directed his executors to appropriate for the use of his daughter Elizabeth Mary él 25 per werk during her natural life, charging it on his real and personal estate. He directed his executors, after the death of his wife, and until the death of his daughter Elizabeth, and the arrival of his youngest child at full age, to rent the houses and lands, and dirich the rents among his children, and the proceeds thereof is my will that my said executors.

Joseph and dispose of all my remaining estate, both real and personal . . . and the proceeds thereof I give and direct to be paid in equal parts to and between and among all my children, "Ac James P. Prococat and William Provoost, two of his children, and Samuel Cowdrey, were appointed his daughter, Elizabeth Mary and seven sons, James P. William, Samuel A. David, John S. Robert C. and George, George, the youngest child, came of age prior to 1806. The widow died in 1846, and the daughter, Elizabeth Mary, June 28, 1894. William Provoost one of the plaintiffs in the action, was the chief acting executor. There was a large amount of property passed under this will, amounting now to over \$6000 in value.

In 1826 David Provoost and George Provoost released their

passed under this will, amounting now to over \$60,000 in.

In ison David Provocat and George Provocat released their interest in a portion of the property, immediately in suit, to James P. Provocat, who was one of the executors. In 1829, Williams, Robert C., John S., and Samuel A. Provocat, grantle their interests in the property to the same person, who June 39, 1864, conveyed the premises to Edward B. Wesley, for the nominal consideration of \$2,000. The plaintiffs claim that it was worth \$40,000, and that this conveyance was inoperative in law and was a fraid on the heirs and persons interested in the distribution of the estate. This property includes some 12 acres in Ryc. Westchester County, and a portion of it had been conveyed by deeds of the widow and children of the testanor, prior to 1836, and came ultimately into the hands of one Justus R. Buckley.

The following is a digert of the news:

Output of t

of the brothers, mase in less, and also an exe-or the improvements in a certain contingency, and also an exe-cution, under a judgment, against the defendant, James P. The title of the entar being thus confused, and there being grave doubts as to the proper construction of the mill, the clouds can only be cleared away by an action and a decision of the Courts. William Provest has entered into a contract for the sale of the premises in Rye, for \$8.500; but owing to the doubts and clouds the purchaser refuses, and cannot be compelled to take it.

he would be entitled to but the one-sevents, stanse I. stanse had be under the will.

The complaint, therefore, asks for a declaration of the construction of the will, and a settlement of the rights of the parties; that James P. Provost be required to join as excentor in the sale of the premises, and that the proceeds be distributed; and that Wesley's deed be declared fraudulent, as to all the shares except James P. Provost's one-seventh; and that all the shares except James P. Provost's one-seventh; and that all the shares except James P. Provost's one-seventh; and that all the shares except deed by the declared void.

The defendants set up in their answer that the sale was a sale at a fair price, being really for a value of over \$7,500 in eash; and they deny all frand or colusion in the execution of the deed, and chain that the fee did pass to the children, so as to vest through their deeds all the shares except that of John S. Provost, which James P. conveyed to him.

Evidence was taken to show that James P., down to a very late day, acted on the view that the estate was to be distributed among the children, and not to be treated as his own property.

Mr. Amos G. Hull and ex_Judge Covles, the Counsel for Mr. Wesley and James P. Provost, contended that the interest, vested in the children, left in the executions a mere maked power, only to be exercised in case of emergency. That no such emergency having arisen, the power was void, or at most, only to be exercised in ones of emergency. That no such emergency having arisen, the power was void, or at most, only to be exercised in the three maked power.

Ex_Judge Pierrepont on behalf of the heirs, contended that the case came literally within the decision of the Court of Appeals; reported in 3d. Comstock, and must be adjudged to have left no conveyable interest in the heirs, and no means of conveying, or disposing of the property, except by the executors under the will. After argument the Court reserved its decision.

CIRCUTE—OCT. II.—Before Mr. Justice DAVIS.

necessary to carry on such business, even if the articles used were of an hazardous or extra hazardous character, and cited several anthorities in support of this position. He contended that the Messrs. Appleby s policy covered a risk of a cabinet warehone, as well as the storage of tobacco—the risks being considered equal in both cases. Mr. Gerard contended that a similar issue was made in the celebrated Harper Insurance case, in which Mr. Evarts took the very same ground he (Mr. Gerard) now took in this case, and that the Harpers gained their suit on the grounds he (Mr. Gerard) was now advancing. Testimony was given showing that it was necessary and customary to keep all the articles that the defendants took exception to in this case in all cabinet warehouses.

Evidence was read by Mr. Evarts to show that the premiums paid by Messrs. Sawin & Osgood, the occupants of the upper portion of the building burned, were higher than those paid by the Messrs. Appleby.

Mr. Evarts asked the Court to dismiss the complaint, on the ground of the breach of warranty he assumed the plaintiffs had been guilty of, and attempted to show that the combustible nature of the articles used by the Messrs. Sawin & Osgood, and the very nature of their business was such as, under the agreement in the policy between plaintiffs and defendants, to render that policy void.

The Court stated that, no matter what its individual opinion was in relation to this case, its hands were fied, and that by direction of the General Term the case must roe to the fury on

the declaration of the healthing, and hed also bound them serves evenued nothing from the company in relation to these matters when precuring from the company in relation to the matter when precuring the policy and was bound to assist the declaration of the policy in the declaration to the manufacture of the declaration to the manufacture of the declaration of the declara

simply say so.

The jury then retired, and were instructed to bring in a scaled verdict this morning.

SUPREME COURT—CHAMBERS—Oct. 11.—Before Mr. Justice CLERKE. DE ISIONS. George M. Mittnacht agt. August Newmart et. al.— ball reduced as to Becker, \$100.

COURT OF COMMON PLEAS-SPECIAL TRIM-OCT. 10 .-

COURT OF COMMON PLEAS—SPECIAL TRION—OCT. 10.—
Before Judge Bradt.

Leeds agt. Provet.—In this case there are no legal questions, in my judgment, about which there can be any doubt. The question of fact determined was upon conflicting evidence nearly balanced. I think the judgment would not be disturbed by the General Term, and that the default should not be opened. Hesselin agt. Rosset.—Motion granted on terms; see mem. Morrell agt. Cordes.—Receiver appointed; nothing more ordered; not agt. However, and the the default should not be opened. Austin agt. Hoyt.—Motion granted without costs. Stevens agt. Pierce.—Issues presented adopted amendments having been made, defendants attorney to appear and settle order.

Hardman agt. Middenberger.—Prayer of petitioners granted; order to be settled on two days notice.

This. Thes. Part I.—Before Jodge Cardozo.

John White agt. Michaid M. Staniels.

The plaintiff in this case purchased a horse, earl and harness for \$10. After the bargain was concluded the parties adjourned to a saloon in the neighborhood to settle. After the settlement Mr. White was notified that there was a lien upon the horse. A few days afterward a Marshal appeared on the scene, and selzed the animal. Plaintiff says that he purchased in good faith, and he therefore brings suit for the conversion. The jury returned a verdict for the plaintiff for \$55.50.

T. Stuyvesant for plaintiff. S. Parker for defendant.

BUSINESS IN THE COURTS.

SUPREME COURT—CIRCUIT.—Part I.—Before Mr.
Justice Sutherland.—Jacob Bamberg agt. J. M. Ridgway, inquest judgment for plaintiff \$445.78. Henry Bowers et al. agt. Siegfried Isidor, et al. inquest judgment for plaintiff \$611.

4. The People ex rel. The Commissioners of Public Charities, &c. agt. Michael Foscher and another, inquest judgment for plaintiff \$418. William E. Bird et al. agt. William Mr. Mallen, inquest judgment for plaintiff \$438. William E. Bird et al. agt. William Mr. Mallen, inquest judgment for plaintiff \$438. Si. John W. Russell et al. agt. Josee M. Baker, defendants, default entered. Francis H. Breese agt. Henry A. Mayhew, defendants, default entered. Joseph H. Westerheid et al. agt. Joseph R. Pierson, referred. Joseph H. Westerheid et al. agt. Joseph R. Pierson, referred. Part II.—Before Mr. Justice Bannand.—Alvah Hall agt. Henry Vallette, complaint dismissed. John Vanderbift, ir. agt. Edward R. Boyle, inquest judgment for plaintiff \$1.418.64. Arthur Comway agt. The New York and Hariem Railroad Company, complaint dismissed. Spicial Tram—Before Mr. Justice Dannies.—James F. Smith agt. Massena Bullard, complaint dismissed.

COURT CALENDARS-THIS DAY.

COURT CALENDARS—Turs DAY.

SUPREME COURT—CIRCUIT.—PART 1.—(Short Causes.)—
Nos. 3161, 3669, 2411, 3165, 2769, 3611, 3715, 2800, 3625, 363, 3911, 3727, 7837, 111.—Nos. 3071, 7091, 1207, 1208, 3601, 3715, 2802, 3576, 3468, 3152, Part III.—Nos. 3071, 7091, 1207, 1208, 3603, 4631, 1662, 2067, 1644, 1196, 1209, 1405, 1305, 1313, 42, 1119, 741, 673, 1405, 1305, 2067, 1644, 1196, 1209, 1405, 1305, 1313, 42, 1119, 741, 673, 1405, 1325, 2067, 1644, 1196, 1209, 1405, 1305, 1313, 42, 1119, 741, 673, 1405, 1205, 2067, 1644, 1196, 1209, 1405, 1305, 1306, 2067, 1644, 1196, 1209, 1405, 1307, 1407

Nos. 85, 96. 114, 116, 127, 126, 127, 128, 128j, 130, 131, 132, 133, 134, 135, 136, 127, 138.

BASE BALL.

ATHLETICS OF PHILADELPHIA VS. EUREKAS OF NEW-

ARK. Special Dispatch to The N. Y. Tribune PHILADELPHIA, Oct. 11, 1866 .- A match game of Base Ball was played this afternoon on the grounds Fifteenth-st and Columbia-ave, between the Athletics of this city and the Eurekas of Newark, N. J. Owing to a disagreeable rain-

Total 12 5 Total 12 Umpire—Wm. Osterheldt, West Philadelphia B. B. C. Scorers—E. A. Ward, Eureka; P. S. Bell, Athletic. Time—Two hours and ten minutes.

Miss Fly Catches—Athletics, 5: Eurekas, 1.

Passed Balls—Eurekas, 10: Athletics, 7.

THE PUBLIC HEALTH.

MEETING OF THE BOARD OF HEALTH. The regular weekly meeting of the Board of Health was held yesterday afternoon, President Schults in the Chair. The usual weekly report of the Sanitary Superintendent was

The usual weekly report of the Sanitary Superintendent was read and ordered on file. It is as follows:

OFFICE SANTERY SEPREMENTANDENT M. B. HEALTH., SAN S. SCHULTZ ESQ., President M. B. H.

Six: I beg respectfully to report that since Oct. 4 the following reports have been received at this office from the inspectors and Asistant inspectors of the Board of Health: Whole number of reports sixtend, 362; whole number of positive reports, 305; whole number of negative reports. A Number of reports found correct, 344; number returned for correction, 18. Number of preliminary notices issued by Sanitary Superintendent, 162; number of reports forwarded for orders, 262; number of negative reports forwarded, 30; number of general reports forwarded, 24; number of reports retained for notices, 23.

The positive reports received are upon the following missness: 124 fall and offensive prives, Scisterns and cesspools, 10 yards, courts and areas, 16 waste-pipes and drains, 6 cellars, 10 street gutters and colvents, 2 streets and alleys, 4 houses and basements, p piggeries, 1 violation of the code, 3 slaughter-houses, I manure heap, 3 cow stables, 24 horse stables, I vanit for interment, 13 school houses, I rag shop, 1 ples.

The interesting officers have inspected 57 buildings or premises

F. B. Datros. Sanitary Inspector.

The Superintendent recommended the reduction of employes after the 15th inst.; that 15 Inspectors be retained—10 for New-York and 5 for Brooklyn; that Assistant Inspectors Drs. Horatio Paine and White be appointed Inspectors; and that Mr. James Christie, in charge of the disinfecting deportment, and two Assistants be retained, for the purpose of disinfecting premises, &c., when required. THE CHOLERA IN THIS CITY.

Two cases of cholera were reported vesterday, viz.:
Emily Chapman, aged 4 years, born in the United States, No.
183 Woester-st.
Jane Carroll, No. 61 James st.
No change at the Battery Bagracks Hospital. Patients remaining. 6.

maining a AT QUARANTINE.

Hospital Ship Falcon, Oct. 11.—The following is a list of the admissions and deaths for the last 24 hours from the common of the c

The preparations for executing Gonzales and Pellicier for the murder of Mr. Jose Garcia Otero, were completed yesterday, and between the hours of 10 and 12 o'clock. a. m., the unfor unate men will die.

The scaffold, which is the same that was constructed for Friery in New York, was loaned to Sheriff McNamee by Sheriff Kelly, and now stands about the center of the jail yard, on the side of the female prison. The prisoners have evidently given up all hope, and there has been for a few days a marked change in their appearance. The generally pleasant look of Gonzales has changed, and his face has assumed a downcast and despondent aspect. Pellicier was fast sinking, and it was believed by the jailors that neither would be able to waik to the place of execution. A great number of visitors have called during the past week, a large proportion ladies, who brought a large variety of delicacies for the dosomed men. On Thursday night the prisoners were examined separately through an interpretor, in presence of the District Attorney, their counsel and the Sheriff, and made a confession, the substance of which appears to be that the prisoner Vicele was the principal instigator of the murder; that Gonzales was not willing a first that the fife of Otero should be sacrificed, but that he was led to it by Vicle that on the night of the nurder Vicle Gonzales. Pellicier and Gronzales was not willing at first that the fife of Otero should be sacrificed, but that he was led to it by Vicle that on the night of the nurder Vicle Gonzales. Pellicier and Gronzales was not willing at first that the fife of Otero should be sacrificed, but that he was led to it by Vicle that on the night of the nurder vice Gonzales. Pellicier and Gonzales was held and one of the Brooklyn; that, after handing on the Brooklyn side, they were three weapons among the party—two rarors and a dagger. Pellicier and Gonzales such had one of the Brooklyn in the Park, Pellicier, in accordance with the day for the party with the dagger. Shortly after getting into the

DEATH FROM a FALL .- Coroner Smith held an inquest upon the body of a boy named Thomas O'Brien, aged three years, who came by his death by falling from a second-story window. The jury returned a verdiet consonant with the facts.

CITY NEWS.

THE NEW RESERVOIR AT CARMANSVILLE .- The new Reservoir at the Village of Carmansville is progressing very satisfactorily and steadily, under the supervision of the contractors, Messrs, Roach & Jenkins. The Reservoir takes its commencement close to High Bridge, and passes about a mile through the property of the late Lady Jumel and R. F. Carman, esq., the latter being the principal owner and propriety of of the village. The total amount of the contract for the performance of the work is \$24,000.

[Announcements.]

KNOX, the hatter, at No. 212 Broadway, has a mag-RNOX, the natter, at 80. 512 books we know a gentle-nificent assortment of Fall and Winter Styles. We know a gentle-man who went there and could scarcely be recognized by his friends afterward, so decidedly was his appearance improved by one of KNOX's HATS. The effect is wonderful.

MME. DEMOREST'S BENOITON PATENT DRESS LOOPgus, in Silk, Enemel Jet, Pearl, etc. Price 50 cents to \$2 per est. These Loopers are very ornamental, convenient and universally approved. MR. SIMEON DRAPER .- Mr. Simeon Draper says: "I

Alls. SIMEON DRAFER.—Mr. Simuon Drapes easystance for using Lawer's Swimenska for the last smooth, and deen it capital for daily use." Swimenska for the last smooth, and deen it capital for daily use." Swimenska is acknowledged to be the best Dentitifies known, and is the only one that has the universal indersement of the most scientific men in the profession. Warranted not to injure, but preserve, the enamel. BEAUTIFUL FARM, 50 acros, near Schenectady;

D good buildings, choice fruit, doe location, a great bargait JAQUES, No. 200 Broadway, or JOHN S. DAVIH, Schemectady, A CHOICE PLACE, directly on the Hudson, is effected for sale very cheap. Price \$26,000; worth \$30,000. This is a rare chance. If not sold ages, will be withdrawn, Less than the price of the cold ages, will be withdrawn, Less than the cold ages. The cold ages, will be withdrawn, Less than the cold ages. The withdrawn tipe from hem. Verk Address for Sc. 19, Tribuse

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The SAFEST, most CONVENIENT, and in every way THE BEST LAMP EVER USED! CHANDELIERS, BRACKETS, HANGING and TABLE LAMPS can be LIGHTED AS QUICKLY as GAS, filled and trimmed safety and nestly, all WITHOUT REMOVING the SHADE, GLOBE of CHIMNEY, or unscrewing the BURNER!

HOUSES FURNISHED THROUGHOUTE Let every suburban resident call and examine before furnish heir houses, and every merchant before he buys his stock of Lamp We deal in KEROSENE GOODS of all kinds and the best R

FINED OIL in market.

Circulars and prices sent to all applicants.

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GO to MACFARLAND'S Book Store, corner twenty-third-st, and Broadway. There you will find all the NEW BOOKS of the day and all the old Standard Works, and, also, choice English, French and Scotch Stationery.

SCHILBERG'S GERMAN OINTMENT.-Warranted a certain cure, without the slightest danger, for wounds, scrofula, salt rheum, all bone and skin diseases, &c. at No. 93 Bowery, and by all the principal druggists. A CARD TO THE PUBLIC-A Question Answered.

A CARD TO THE PUBLIC—A Question Answered.

A Why list that those two large stores in the Coper Institute on
the corner of Astor-place, are crowded from morning till night wite
custemers, to the no amali chargin of would be rival establishments,
who cannot understand why "these things are so?"

It is because the troly large and magnificent store of first-class HouseFernishing Goods, Chius, Glass, Silver-Plated Wars, Table Cutlery
and Goeding Utensels therein contained has been purchased with the
great good indgment of large experience—and exclusively for cash.
This is why all first-class goods are sold at this establishment
cheaper than at any other house in the city, and the public, aware of
the fact, go there to boy. "That's what's the matter."

EDWARD D. BASSFORD'S Great Housekee-pare Baraar, China
Glass and Crockery Emorium, Gooper Institute building.

Sign of the Golden Kettle—corner store.

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EVER SEEN IN THIS COUNTRY.
BOYS', YOUTHS', AND CHILDREN'S CLOTHING FIVE HUNDRED BOYS' ALL-WOOL SUITS,

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All the novelties for the present and coming seasons now in stock. In this Department the best talent can be found is employed. BROKAW BROTHERS, Nos. 62 LAFAYETTE-PLACE and 34 FOURTH-AVENUE.

LEATHER BELTING. SULPHUR ORES.

THE HUDSON BIVER COPPER COMPANY Are prepared to convext with SULPHURIC ACID MAKERS the United States for regular supplies of SULPHURETS, from

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their mines in Westchester and Putnam Counties in this State.
These Ores are now used by the subharic axid makers in NewYork with great success, both as regards the quality of the acid and
the economy of production.
They already command a ready and extensive sale in the Liverpools
market, at price equal to the best firsh ores.
Manufacturers can obtain these cros. containing from 32 to 35 per
cent of sulphar, in any quantity, delivered either at the Company's
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BOOTS, SHOES, &C. No. 575 BROADWAY, NEW-YORK. DIRECTIONS FOR MEASURING THE FOOT

First, Place the foot on a piece of super and trace the outline of the same with a renell, which will give the length and spread of the foot as shown in figure A.

Second. Make the following measurements, in laches and fractions, with tape measure, as shown in figure B, viz:

1.—The Ball of the Foot.

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PRICES REDUCED 187 JULY.

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BELT REVOLVER, Navy Size Caliber.

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